

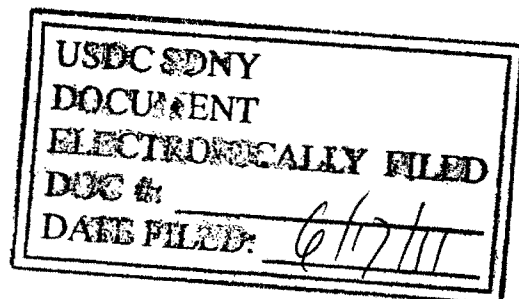
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
DAMIEN JOHNSON,	:	
	:	
Petitioner,	:	
	:	09 Civ. 7491 (JSR)
-v-	:	
	:	<u>ORDER</u>
ROBERT CUNNINGHAM,	:	
	:	
Respondent.	:	
-----X		

JED S. RAKOFF, U.S.D.J.

On May 2, 2011, the Honorable Ronald L. Ellis, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court deny petitioner Damien Johnson's petition for a writ of habeas pursuant to 28 U.S.C. § 2254. On May 13, 2011, respondent Robert Cunningham filed objections to the Report, and, accordingly, the Court reviewed the Report, Cunningham's objections, and the underlying record de novo. Having done so, the Court concludes that, even though the objections raised by respondent are not without force, the Court need not reach them, because they would not affect the "bottom-line" decision. That is because the Court finds itself in complete agreement with the well-reasoned Report, which the Court hereby adopts by reference. Thus, for the reasons stated in the Report, the Court hereby dismisses the petition, with prejudice. Clerk to enter judgment.

SO ORDERED.



Dated: New York, NY
June 16, 2011



JED S. RAKOFF, U.S.D.J.